

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Mary Carolyn Dones

Plaintiff(s)

vs.

CASE NO. 4:11cv3087

Kelsey-Seybold Clinic

Defendant(s)

A. JURISDICTION

This is an action to vindicate of my civil rights and to redress the unlawful discriminatory conduct and employment practices of the defendants. This action arises out of illegal age discrimination, retaliation and wrongful discharge due to me making a compliant to Human Resources (HR). I, Mary Carolyn Dones allege, inter alia, that I was terminated from my employment based in whole or in part upon my age in violation of Title VII of the Civil Rights Acts of 1964 as amended and Age Discrimination in Employment Act of 1967.

I Mary Carolyn Dones was terminated in retaliation for complaining about and reporting harassment, putting patients in unsafe situations, unethical behavior and unfairness in the workplace to Jan Allen (Supervisor), Beverly Hutchings(Director) and Naomi Maji (HR). The defendant countered that they fired me based on my performance.

B. PARTIES

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| 1. Name of Plaintiff: | <u>Mary Carolyn Dones</u> |
| Address: | <u>15902 Pryor Dr.</u> <u>Missouri City, Texas 77489</u> |
| 2. Name of Defendant: | <u>Kelsey-Seybold Clinic</u> |
| Address: | <u>8900 Lakes at 610 Drive</u> <u>Houston Texas, 77054</u> |

STATEMENT OF CLAIM

1. I started working at Kelsey-Seybold Clinic (KSC) July, 2004. Lisa Pfeffer was my nursing supervisor and she did my evaluations. I never had any performance or behavior issues on any of my Performance Appraisals. At the time I worked at the First Colony branch then Sugar Land from July 2004-December 2009 as a per diem nurse. Never been written up. All good Performance Appraisals. January 13, 2010, I started working full time at the Kelsey-Seybold Main Campus Clinic in the Ambulatory Surgery Center (ASC) Recovery Room and that is when my troubles began.
2. On January 13, 2010, I began working for the defendant. I received an offer letter from Human Resources on February 10, 2010, accepting the non-exempt position of RN/Pre-Op/PACU at Kelsey-Seybold's Main Campus Clinic. The effective date of my new position started January 24, 2010 (new pay period). On May 3, 2010, after my evaluation I was removed from my position without any notice and placed in the endoscope department for training with a nurse tech at the endoscopy discharge desk. The offering letter that I received from Kelsey-Seybold never stated that they were offering me the position for endoscope. I was the only nurse pulled from the recovery room to work in this area.
3. January/February 2010, my first Preceptor was Sue, RN. Sue complained the whole time I was with her. Sue: I do not know why they put me with an orientee since I do not like being a preceptor.

FACTS

3.1 Sue rushed me through the paper work and documentations.

3.2 Sue would tell me what to document and when it came to her checking what I had done

Sue denied telling me to do it.

3.3 Sue was fast talking with explanations and went on breaks leaving me to care for our patient alone. When Ulonda asked me where Sue was, I told her on break. Sometimes I did not get a break.

3.4 Sue was impatient with me and the patients-rushing them to drink and get dressed when they needed assistance. When I would assist the patients to get dressed she got mad at me because when I asked questions concerning the job, she pretended she did not hear me and I asked another nurse.

4. February/March 2010, my second preceptor was Courtney, RN.

FACTS

4.1 Ulonda told me Sue was tired of me following her around and asking questions.

4.2 Courtney would sabotage me by saying I was not putting the equipment on the patient right, but when Courtney readjusted the equipment the readings on the monitor was the same.

4.3 Courtney bragged that it only took her 5 minutes to chart and it took me 15 minutes. I told her it was not a race and she had been doing this longer on this type of program of documentation.

4.4 When I went over the discharge instructions with patient/family, Courtney would repeat what I said as if she could do a better job.

4.5 Courtney would disorder my chart papers once I had them in order of documentation.

4.6 Courtney would take breaks leaving me alone with the patients we both were assigned to take care of. I started asking to go on a break too.

4.7 Sue and Courtney took 15 min breaks, but Ulonda told me to take a 10 min break and I did.

5. February 2010, I spoke to Jan Allen, RN/Supervisor about Ulonda Clark, RN Coordinator in the Recovery Room. I told Jan that Ulonda wanted me to do patient care the way she was taught and I told her I had to do it the way I was taught and still get the same results.

6. February 2010, I told Jan when my endoscopy patients came to me in the Recovery Room (RR) I received them, assessed while connecting pulse ox, blood pressure cuff and listening to endoscopy nurse report. Then Ulonda would come over to me and tell me I did not see you take report and disorder all my papers that I had in the order to document.

FACTS

- 6.1 Ulonda would see me connecting patients to the equipment and ask me did you do it or a nurse tech.
- 6.2 I told Jan that Ulonda had a nurse tech assigned to help me with the patients, but when I needed their help, they were never around. A few times I asked nurse techs to help in front of Ulonda and she never intervened, but would smile and look at me. Ulonda would not instruct them to assist me with the patients.
- 6.3 I asked Jan to talk to Ulonda because I could do my work, but I needed Ulonda to stop giving me a hard time. Jan agreed to speak to Ulonda Clark.
- 6.4 The latter one/two weeks in February 2010, Jan was on vacation. Ruby (nurse tech) told me she heard Ulonda RN Coordinator, Courtney RN, Shannon RN and Lloyd (nurse tech) sitting at the nurse's station discussing amongst themselves about talking to Jan when she returns from her vacation about getting me fired because I did not fit into their click and I am too slow. They discussed where I got my nursing degree and how stupid I was because I did not know what I was doing.
7. February/March 2010, I knew Jan had spoken to Ulonda because she started moving me around from bed numbers. If I started with a patient in bed 7 she would give me another patient in beds 10 or 12, knowing it would be difficult for me to chart on the computer if my patient was far away from me.

FACTS

6

7.1 Ulonda Clark would give me patients back to back so she could say I was slow charting &/or I was staying too late to chart.

7.2 I was doing the majority of patient care because at this time Ulonda Clark had been telling the nursing staff and nurse techs not to help me. She even told agency nurses/techs not to help me.

8. February/March, 2010 I was caring for colonoscopy and a liver biopsy patient. I needed to do a finger stick blood sugar on my biopsy patient.

FACTS

8.1 I asked Lloyd nurse tech to go get me the glucose monitor, it took him 15 minutes to get back.

8.2 I asked another nurse to watch my patients so I could find out what was taking so long because my patient was not feeling good. The glucose monitor was not in the room where it should have been, Lloyd had it walking around with it.

8.3 I informed Ulonda my patient was not feeling good and I was going to do finger stick. I asked Ulonda had she seen Lloyd and she told me, "Lloyd's slow, you know he does not get in a hurry."

9. February/March, 2010, Lloyd was assigned to assist me with patients and I had to ask Ruby to help me.

FACTS

9.1 Lloyd would tell me "I'm busy right now; any nurse tech should be able to help you.

9.2 Lloyd said it right in front of Ulonda and she never made him assist with the patients, but he always helped Courtney and Shannon.

9.3 As Ruby was putting Lloyd's assigned patient in the wheelchair, he walks up and I told Ruby to let him do it because she had her own patients and she had taken two patients downstairs to their cars for me already. He did not take the patient downstairs to the car.

9.4 Lloyd got mad because I told him Ruby had been doing his work.

9.5 Lloyd started loud talking me saying, "It doesn't have to be him to take the patient downstairs, there are other nurse techs I could have asked.

9.6 I walked to the nurse's station to get pain medication for one of my patients and Lloyd followed me and he was talking loud telling me I was lazy, I did not strip beds and he hated working with me.

9.7 I told Lloyd to get out of my face because I felt very uncomfortable with a man I did not know that close upon me and that he was the one who was lazy.

9.8 Lloyd walked away, but he came back and got in my face again and I got scare. I was trying to get away from him. It was the same repeat of words as before. Ulonda Clark, RN witnessed all this and did not say anything in her role as the coordinator .

9.9 Ulonda reported us to Jan Allen Supervisor. It was the same repeat of works as before. Lloyd told Jan that I was trained by Sue and she did not teach me to strip beds, I was lazy like Sue and I did not help the nurse techs.

9.10 I informed Jan that Lloyd was lazy. He was never in his assigned work area to help care for the patients, but that Lloyd helped Courtney and Shannon. I told Jan, Lloyd got in my face on the work floor and I was trying to get away from him. Lloyd told Jan he was helping me and I asked him to tell me the names of the patients he had helped me with and he could not do it.

9.10 I informed Jan I received/monitored my patient's, wrote vital signs, sit them up in bed to drink, d/c IVF's, assisted patient to get dressed, got family from lobby, walked them to endoscopy department and because of that I will not be stripping any beds, I would start my charting.

9.11 I told Jan, Ulonda and Sue told me not to strip beds and to chart. Every time they saw me strip beds, they would tell me not to do it because it was the nurse techs job.

9.12 Jan agreed if I had done all of the caring for the patient then Lloyd should have stripped the beds. Jan told me and Lloyd she would not write us up this time, but if it happened again she would have no choice. I apologized to Lloyd and we left Jan's office.

10. March 5, 2010, Jan asked me if I would like to orientate in Pre-OP, I told her yes. March 15-26, 2010, I orientated in Pre-Op.

FACTS

10.1 Upon my patients arrival to the unit I brought them to the work station and checked ID bracelet with name on chart and patient verification, asked questions, entered answers into computer, completed paperwork, allowed patient to use restroom before taking to the stretcher, started IV's then patient awaited for surgery/endoscopy staff to take them to the area.

10.2 The nurses told me they enjoyed working with me.

10.3 March 15-26, 2010, during the two weeks I trained/worked in Pre-OP Ulonda left one sticky note by her and the other written by Karen, RN Pre-OP for me to return to recovery room to make post-op phone calls. Ulonda was picking with me because she could have assigned this task to the other nurses which is what had been done in the past. The first note was too close to going home, but the second note I made the calls and informed Ulonda the calls had been made.

10.4 March 26, 2010, I met with Jan Allen supervisor and she gave me a good report from the pre-op nurses. That I did good work, I cared about my patients, I was helpful and I was a joy to work with.

10.5 I spoke to Jan about Ulonda's plot to get me fired. I told Jan, she hired me to do my job, which was to care for patients not to make friends. Jan never responded to the statement. I asked Jan if I could continue to train in Pre-OP and she said, "NO, I was needed in the recovery room. I told Jan

she knew what I had been going through with Ulonda and I would be subjected to more of Ulonda's torture and harassment of me until I was gone. Jan told me everything would be alright.

11. March 2010, Ulonda had started working on Jan, telling her she should not have hired me, I was not a perfect fit for this group, I had no business working in the recovery room because I did not know what I was doing. I think Jan knew the kind of person Ulonda was and her capabilities, but she choose to ignore it because Jan needed Ulonda to run the recovery room.
12. April 2010, Ulonda started telling me to work in endoscopy at the discharge desk. I was the only nurse they pulled from the recovery room to work this area.
13. February-March-April 2010, Ulonda had only assigned me patients who had colonoscopy, cataract surgery, liver biopsy, local pain and hernias surgeries. I had one or two generals for weeks, now all of a sudden she started assigning me generals and to my surprise pediatrics patients. I felt like this was a setup because she knew I had never been given a child to care for along only during orientation with my preceptor. I have taken care of children before it had just been a while. I told Jan that when she hired me.
14. March/April 2010, Ulonda started assigning me to beds 7 & 8. A co-worker told me this is what she would do when Ulonda does not like a person.

FACTS

- 14.1 Ulonda moved me to an area so she could keep her eyes on me to cause me to make a mistake and to intimidate me.
- 14.2 Many times I would be caring for my patients and turn around and Ulonda, Courtney, Shannon, & Lloyd would be staring at me.
- 14.3 Ulonda allowed Courtney, Shannon, and Lloyd time to sit, break, make follow-up post-op phone calls while me, April, Catherine and Dennis were working diligently and we had to make calls later in the evening and sometimes after hours so the calls would not pile up.

15. April 2010, I cared for two patients. I went to bed one area to use the phone to call a ride for my patient. I saw Ulonda Clark looking at me. She kept looking at me, as soon as I hung up the phone; Ulonda walked toward me and told me I would be getting a third patient.

FACTS

- 15.1 Courtney RN, Shannon RN and Jordan RN were sitting at the nurse's station. Catherine and April were in their area, but no patients. Other nurses were free and willing to care for patients and telling Ulonda, I already had two patients and the other nurses would take the patient, but Ulonda wanted to assign the patient to me.

- 15.2 I politely informed Ulonda I already had two patients. Ulonda me, "ok", she would assign this patient to someone else and I would get the next patient. This is a lady who just does not give up.

- 15.3 March 29, 2010, Ulonda stopped assigning Courtney patients at 12:58 pm and Shannon at 13:10 pm & they sat at the nurse's station talking, talking, talking with Ulonda and watching Everyone else work and never once asked if any nurses needed assistance.

- 15.4 Ulonda also spaced out their assignments sometimes giving them an opportunity to complete their charting and post-op phone calls.

16. March 30, 2010, I noticed my last patient was at 15:00 pm and Jordan RN last patient was at 14:20 pm when he was supposed to be one of the late staff.

17. March/April 2010, I was assigned endoscope patients in the pre-op area with Andrea nurse tech. Ulonda usually would call when she was going to send me a patient, but this time patients were coming right after each other.

FACTS

- 17.1 As I was receiving report from the endoscopy nurse on patient one, here comes patient s two and three back to back. There was no way to take report and connect all these patients to monitors at the same time. This was another one of Ulonda's plan to sabotage me.

17.2 Andrea asked the endoscope nurse to take patient three to the recovery room. Ulonda voiced to Andrea that I should have been able to take all three patients at the same time.

17.3 Andrea went to the recovery room and noticed many of the nurses did not have patients at the time. April RN told Ulonda she would care for the patient, but Ulonda got upset about it because she wanted me to take the patient. When I went to get a drink of water I saw nurses free, no patient's. The nurses were talking to each other.

They were talking to each other.

18. March 2010, Beverly Hutchins RN new Director ASC fired Jan Allen RN supervisor after returning from her vacation. I was devastated.

19. April 2010, Richard RN new supervisor/manager was noticed on the unit.

20. April 2010, Ulonda assigned me general and endoscope patients and was going to give me another general, but Connie RN per diem told Ulonda she would take the patient because Connie did not have a patient at the time. Both Connie and Shannon received the patient because neither one had patients at the time.

FACTS

20.1 Ulonda Clark was furious, she does not believe in teamwork. The staff sees what Ulonda has been doing because she does not hide it.

21. April 6, 2010, Jordan RN last assigned patient was before me, Catherine and Dennis. He was supposed to be hired as a late nurse. Ulonda always played favoritism with the assignments. Ulonda felt like she had the power to do whatever she wanted to do and she did just that.

22. April 7, 2010, on the assignment board I was assigned beds five & six with pediatrics written next to the numbers.

FACTS

22.1 Pediatric patients did not go past bed four because of the oxygen level. We did not want the children to be without oxygen going to beds past bed number four. I did not say a word to Ulonda because she knew this.

23. April 7, 2010, on the assignment board I was assigned beds five and six. When I went to my work station a patient was in bed five assigned to a nurse. So, I told Ruby nurse tech I was going to the bathroom. When I got back I was standing in front of bed five. The patient had been moved. I asked Andrea nurse tech what was going on because she was standing in the area and Andrea told me Shannon RN was getting a patient there. Shannon heard us and told me she was not getting a patient, but she turned the oxygen on for me. Then Ulonda out of nowhere appears and tells me with a smile it would be my patient. Before I could get in position to get the equipment ready to receive my patient, the surgery nurses were bringing my general anesthesia patient.

FACTS

23.1 Andrea helped me rush to put the oxygen, O2 pulse ox, and telemetry and blood pressure cuff on the patient. Donna Harvey certified registered nurse anesthetist (CRNA) made a statement, "I am waiting for someone to put the BP cuff on the patient" as she stood there as we were connecting the patient to the equipment. Andrea and me just looked at her.

23.2 I informed Donna if I had known ahead of time I would have had everything set up. Ulonda claimed she paged me, but when asked the nurses, they did not heard a page and neither did I. Why would she page a nurse in the restroom? Donna went to the desk telling Ulonda I did not have the oxygen ready to receive the patient. They were both talking about me not knowing what I am doing.

24. Ulonda's plan was to make me look incompetent and she could not do it without the help of Courtney, Shannon, Sue, Jordan and Lloyd all the people in her cliché. She had been doing this on a regular basis.

FACTS

24.1 Ulonda would tell me I was getting a patient from surgery or endoscope. I would immediately go to the area to set up my equipment. What I did not know was Ulonda had already been informed the patient was coming, but she waited to tell me. So as I was walking fast to the area I met my patient. I connected my patient to the monitor. My patient was not in any distress. Again she did this on purpose.

24.2 I felt Ulonda Clark RN Coordinator is playing Russian roulette with patient's lives. I do not believe she cares about the patients. Ulonda's hatred for me is deep, so deep that she is willing to take a gamble and bring harm to patients just to get back at me for talking to Jan Allen Supervisor about my concerns of her.

24.3 Ulonda is a very controlling person, if things are not done her way, Ulonda will find a way to punish you by giving nurses more patients, or receiving the last patient of the day, giving nurses more general surgery patients or making the nurse eat a late lunch. Ulonda knew the cafeteria closed between 13:00-13:30, and the nurse might not have time to get food before it closed. Lunch was 30 minutes, but many times Ulonda took an hour lunch.

24.4 The nursing staff Ulonda liked got breaks and if she did not like you, no break. She got mad if a restroom break was taken. We had to go into the ice room just to get a drink of water and a moment to catch our breath. She wanted to control everything.

24.5 Ulonda was working overtime to get me fired. Giving me back to back patients, trying to get me to make mistakes and talking to Jan behind my back telling her "I was a bad hire, Jan should

never had hired me, I did not belong in the recovery room." Jan never called me into her office to discuss any of this.

24.6 April told me Jan spoke to her about what I was going through with Ulonda. April told Jan, Ulonda was out to get me and that she was making it hard for me on the unit making up stories involving other people to say bad things about me. April told Jan I do my job, I care and spent time with my patients and she could learn a lot from working with me because I am very gentle, soft spoken and patients always complimented me by saying "I can tell you enjoy being a nurse."

24.7 Once Jan was fired, Ulonda started whispering the same negative thoughts into Beverly Hutchins RN Director ears. Ulonda was upset because she did not have a say when I was hired by Jan Allen. I found out because Ulonda could not keep her mouth closed, she was telling all staff who would listen about her plot to get rid of me.

24.8 These were unsafe tactics because Ulonda had to go through the patients in order to get to me. Ulonda had her own personal agenda against me. It was so bad that nursing staff would ask me "did I ever feel like calling in, why don't I just quit, she is not going to let up on you."

24.9 When April RN, Catherine RN, Sylvia RN agency and Rosa Linda RN agency would assist me connecting a patient to the monitor, Ulonda would get mad and tell them not to help me. To let me alone, I could do it for myself. Many times Ulonda would assign them patients so they could stop helping me. I would always tell the nurses this is not about helping me, but helping the patients. Everyone understood that except Ulonda.

24.10 Ulonda did not believe in teamwork. When I would help other nurses Ulonda would tell me "that is not your patient" I would tell her "I know, but I can still help." Ulonda would get so mad. Nurses with heart have a natural instinct to help others. That is the kind of nurse that I am and will always be.

25. April 2010, I was assigned two children in beds one (different times), Catherine bed two, April bed three and Dennis bed four. Ulonda worked us hard that day, we had children. Sue and Courtney kept walking to my area watching me as I cared for the children. Instead of asking can I do anything to help, they mumbled under their lips and went back and reported to Ulonda.
26. Ulonda started separating me from April and Catherine. She did not want us helping each other. I have never worked in any facility where there was so much evil in one place and so obvious that it literally hurts to get up in the morning to go to that job. The patients kept me going. Their loving words of kindness gave me strength.
27. Ulonda and her click Courtney, Shannon, Jordan and Lloyd would sit at the nurse's station for 1-2 hours gossiping. She enjoyed bragging on herself and her accomplishments. Ulonda loved to tell people she was once Jan's supervisor so they just switched rolls. I knew she was trying to wear me down so I would quit, but I did not quit because I had the right to be able to come to my job and work in peace and she needed to allow me to do the job I had been hired to do. As a coordinator I felt that was unprofessional for Ulonda to talk about me to the other staff.
- 27.1 To me the title coordinator carries weight. Ulonda could have choose to do good or do bad. Ulonda choose to do bad. Ulonda abused her power against me. The leaders on the unit Beverly and Richard knew it and did nothing to help me when I reported it. They never wrote Ulonda up, they played along with her hatred against me.
- 27.2 Ulonda would tell me I was getting a patient in room 16 private and the patient ended up in bed four, five or six. Ulonda would tell me I was going to get a patient in bed five and the patient end up going to room 16. How was I supposed to compete with that? I was a puppet and ping pong ball doing my best to care for my patients.
28. April 2010, Shannon RN in charge that day, assigned me a general anesthesia young male age 14 or 15 in bed seven or eight. He was Dr. Nolla's patient. Surgery was done on right thumb.

After I had received him and done everything I needed to do, he was attempting to wake up by moaning. I asked if he was in pain and what pain score number from 1-5. Patient told me #4 or #3.

FACTS

28.1 As I went to get the pain medication as ordered, Shannon goes over and asked my patient the same question. Shannon was telling me in front of other nursing staff who were sitting at the nurse's station that my patient did not need any pain medication because he told her his pain score was a 2.

28.2 Shannon thought he would be alright because if I give pain medication he would need to stay at least 30 minutes longer in the recovery room. I could not believe it. I medicated my patient and I was with him until he was discharged with his family.)

29. April 15, 2010, I went to Beverly Hutchings office to speak to her about my job. I asked her directly, "is my job on the line" and she told me "yes." I asked Beverly what have I done and she told me talk was going around. I told her what I had been going through with Ulonda Clark and I had taken it very serious when someone is going behind my back talking about getting me fired when I have done nothing wrong. I told her Ulonda wanted me fired because she did not like me. I asked Beverly why did she not come to me and talk to me about the rumors. No response. She said people were concerned about the patients.

FACTS

29.1 Never any facts or proof against me only rumors started by Ulonda and it cost me my job.

29.2 Never any patient or family complaints.

29.3 Never any write up except for my evaluation and PIP after my 90 days of employment which was based on lies never any proof.

29.4 Beverly told me she believed in giving people second chances. Beverly told me the CRNA were complaining to her, they did not feel comfortable leaving the patients with me. When asked Beverly who my accusers were she told me it did not matter. I told Beverly yes it did when my job is on the line. I told Beverly if someone is making accusations against me then I had the right to know who my accusers were. I told Beverly, Ulonda put them up to it, to report me to her. I told Beverly that she and the anesthesia department were busy, why would they come to you unless Ulonda put them up to it.

29.5 Nothing had went wrong with any of my patients for them to be making false accusations. Ulonda's stamp of approval was written all over it because that was what she wanted to hear. Beverly asked me to talk with Ulonda and tell her how I felt. I told Beverly that I knew Ulonda did not like me and it was not my place, but the people I report it too. I told Beverly, Ulonda had been talking about me to other nursing staff. Beverly stated, "As a coordinator Ulonda should not be doing that." Nothing was ever done about it.

29.6 I told Beverly that I loved taking care of my patients and I wanted to keep my job and that I was doing my job to the best of my ability. I told Beverly if I spoke to Ulonda that would be like I was begging and I was not going to beg. Beverly told me she would talk to Ulonda for me. I did not feel protected. Somehow Ulonda persuaded Beverly on her side.

30. April 21, 2010 I was told by Ulonda to work in endoscope the following work day. That morning when I got there I felt funny. The atmosphere just did not feel right. Porsche endoscope tech came to the desk and told me she wanted to pray for me. We went into room 5 and after she prayed for me I asked Porsche what was going on and was I being set up and she said, "I think so, I think so, watch your back." I thanked her and we left out of the room.

FACTS

30.1 Audrey Jones worked behind the desk in endoscope area. She was working with Ulonda to stir up trouble while I was working in that area. Audrey was always giving me the wrong information.

30.2 Audrey Jones secretary instructed me on the board in the printing room. Each doctor has their own color. I would flag the room according to the doctor's color. What Audrey did not tell me is when the doctor's get a break between patients or when they are done, that I had to go to the gastroenterology department to find them, nor did Audrey tell me I had to page the doctors so they could do the discharge instructions from the endoscope discharge area.

30.3 Audrey was always moving my clip board, papers and paper clips out of the area where I left them. That was my work station and she had hers, but Audrey could not stop moving my staple, paper clips and markers. I would leave and return and they would be gone or different ones/colors in their place.

30.4 Audrey showed me how to prepare the endoscope reports. Look for patient and doctor names and staple together. I did that, but when Audrey helped me I found more than one patient report stapled together and I got blamed for it. I carefully removed the staples and reorganized reports to the right patient and doctor and re stapled. This happened a lot. I reported this to Mary team leader. Nothing was ever done .

30.5 Audrey blamed me for her printer messing up. She made multiple copies of her real estate information and when the printer stopped working, Audrey had to call someone to fix it. She accused me of jamming the printer.

31. April 21, 2010, I worked as endoscope discharge nurse. April came over to relieve me so I could go to human resources. I had an appointment with Naomi Maji. I told Naomi I wanted to make a complaint of harassment against Ulonda Clark. After explaining to Naomi what I had been going through she said, "this was not considered harassment and that I may have misunderstood what was going on around me." I told Naomi it was harassment to me and I was

being picked on and I have went through the chain of commands and no one is putting a stop to it. At that moment I did not get a good feeling about Naomi. I did not believe I could trust her and I was right. I told Naomi what Ulonda had been doing and what Beverly had said once I spoke to her about all the incidents of trying to make me look incompetent. I told Naomi about the incident with Dr. Galler. He was upset because his patient waited over 30 minutes in endoscope discharge area. I told Naomi that Audrey did not tell me to page the doctor, but I flagged the board and room for him to see his patients. I told Naomi that I did not get regular breaks. Ulonda played favoritism with the nursing staff when it came to breaks, lunches and the assignments. I told Naomi that Ulonda hates me so much she is willing to put the patients in jeopardy. I told Naomi I asked Beverly was my job on the line and she said yes, what did I do wrong. Naomi said wow not too many people would feel comfortable going in to their boss asking them that question. I told her I had no choice, I needed to know because she like Jan listening to rumors and not calling me into the office to hear my side about the rumors. I knew they believed the rumors.

FACTS

31.1 It was unprofessional and rude of Beverly the director in her position of authority not to have called me into the office with my accuser's to get to the bottom of this if she really cared about the patient. Poor leadership.

31.2 When asked Naomi what was she going to do with the notes she was writing and if I could have a copy she told me these would be her own personal notes to hang on too and I did not need a copy because she was not going to do nothing with the notes.

31.3 Within a few days to a week, Naomi told Beverly everything we spoke about. I noticed small changes were taking place of some of the above statement because Naomi was the only person I spoke to about this so I knew she had told.

- 31.4 During the meeting Naomi told me to write everything down that was going on with Ulonda and Beverly. Naomi told me to just keep doing my job and write, write, write.
32. April 22, 2010, I was scheduled to work as endoscope discharge nurse, but April called in sick and Ulonda needed me to work in recovery room. Ulonda made it known on the assignment board by writing on it April called in sick. I had 12 patients that. Ulonda stated, "this is what happens when a co-worker calls in sick, you get more patients." I could not believe she made that statement.
33. April 2010, I was caring for my patient. I just received report from endoscope nurse that the patient had a colonoscopy. When Shannon came to get the name sticker from me, she told me my patient had an EGD, I told her no, not according to my report and paper work. Shannon asked me if I was sure because he looks like he had a EGD, I said I did not know you could look at a patient and say they had a EGD. Then she looked at the chart and said no, it was not an EGD it was a colonoscopy. I did not respond.
34. My evaluation was on May 3, 2010, they did not give my evaluation in April 2010 because that was my official three months on the job. They waited and this gave them enough time to come up with a game plan of ammunition of lies.
35. Ulonda had co-workers to write lies about me on a sheet of paper such as: I left a patient unattended, I was in another area charting while my patients monitor was beeping and I spoke out of order to Lloyd. All lies.

FACTS

- 35.1 I have never left a patient unattended because I always told another nurse where I was going and asked them to please watch my patient.
- 35.2 This was an colonoscopy patient who was off the O2 sat monitor drinking juice because her

vital signs were complete.

35.3 Ulonda told me to go to beds one and two to chart because the other nurses were using the computers close to my patient. The monitor was not going off when I was at the patient bedside. I could still see my patient and I put the call bell in my patient hand for her to use.

35.4 I told Ulonda that I did not believe my patients monitor was going off. I was looking at my patient as she was sitting up in bed drinking juice.

35.5 I told Ulonda I heard other nurses monitors beeping all the time and I just take care of it and the patient. I do not go and tell on the nurse.

35.6 Ulonda knew Jan had already spoken to me and Lloyd about our outburst in the work area and we were not written up so why is it being brought up again. This has already been dealt with.

35.7 Ulonda had certified registered nurse anesthetist (CRNA) to write lies concerning my evaluation. The only thing they said was they did not feel comfortable leaving their patients with me. Ulonda and the CRNA had nothing to back up their statement because nothing had ever happened to any patient I cared for.

35.8 I had no patient complaint so they had no real power to use against me except for for untrue statements. Beverly played right into Ulonda's hand. All three of them sat at the table with me and was my judge and jury.

36. May 6, 2010, I went to Beverly's office to pick up a copy of my evaluation. Dialogue: Beverly: How is the job searching going? Have you found anything yet? Dones: No, but I have some more places to look at. Beverly: You got a compliment today. Dones: Really, I did. Beverly: You got a compliment today from Dr. Hillier. Beverly : DR. Hillier says you are improving. Dones: That's good to hear. Beverly: I wish you had taken the PIP. Dones: Yea, but you know as

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long as Ulonda is still the coordinator it will not work. Beverly: But now you have a new manager to talk too, now, I think it will get better. If you can't find anything let me know and I will help you. We'll see about you going ahead with the PIP for 30 days. I think you can do it and all I wanted to hear was that you are improving. I'll see what I can do because you need your job. Everybody needs their job. It's hard times out there. Dones: God Bless you for saying that, I really appreciate it. Then I walked out of her office.

37. May 14,2010, Beverly offered me a job position in as the endoscope department as the endoscope discharge nurse. Beverly called it a proposition. My new hours changed to 7:00 am-3:30 pm from 8:30 am-5:00 pm.

FACT

38.1 Arianna RN and Mary RN team leader witnessed this verbal agreement. I asked Beverly to write up what my responsibilities would be so I will know exactly what I would be doing. Beverly had told me she would write up my responsibilities, but she never did.

38.2 I was trained by different nurse techs. The nurse techs were doing this job before it was offered to me.

38.3 I started noticing the patient's endoscope reports getting stapled together with other patients report. I did not know who was doing it, but I caught it because I was checking every sheet and re stapled the reports. Sometimes the patients report would be placed in the black slots and out of order. I had to sort through each report and get it back in order before giving it to the patient and putting a copy inside of the patients chart.

38. Dr. Galler and Dr. Garcia gave their patients reports to them and the other copies were put in the chart. Once the patient came to me from the recovery room I had to tell the doctor I could not find the reports. The doctors were getting mad and blaming me.

FACT

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38.1 Later, I found out that the endoscope nurse who was in the room with doctor during the procedures was the one who had the reports.

38.2 The nurse forgot to give them to the recovery room nurses.

39. June 14, 2010, It started out slow in the endoscope discharge area, but it got busy fast. I was doing good until some of the recovery room nurses were bringing patient's over without letting me know. They would just sit the patient in the area and leave. They did not put a sticker with room number on the clipboard as they were supposed to do. The room the patient was put in was not flagged with the doctor's color. I had to walk to each room to make sure the right patient had the right chart and information.

40. Someone claim to have brought over a patient and put him in room three, but I already had a patient in that room. So, when Dr. Hughes came looking for the patient I got blamed. I told him, Beverly and Richard I never saw the patient. Dr. Hughes ended up calling the patient at home, but before that a co-worker told me the patient was seen eating in the cafeteria.

41. Beverly talked to me about this in her office and she blamed me for that and started telling me she thinks it may be a good idea for me to leave.

42. This time she told me she would only give me four days to find work within the Kelsey-Seybold Clinic (KSC). I started looking and applied for three positions. None were full time. The positions were part time or per diem. Beverly signed off on the application. I asked Beverly what was I going to do because I had not been on my job six months yet and she told me she would be happy to speak to the person in HR and tell them my situation. Beverly told me to call Naomi Maji to help me. I called HR and left a message for her even though I did not trust her. She returned my call when I was with patients so I was unable to speak with her.

43. June 2010, Naomi Maji no longer working at KSC. I spoke to Nicole McCall-Simon in HR and she told me because I had not been on my job six months that I was not able to transfer. I knew

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Beverly had to have known this too, so I made up my mind I was just going to come to work and let her do whatever she wanted to do.

44. I was assigned as the endoscope discharge nurse, but I also helped the patients in the waiting area before the procedure. If they pulled the call bell I assisted them. If they needed assistance going to the restroom I was there.

FACT

44.1 Between discharging patients, going out into the lobby to get family multiple times, calling family multiple time, assisting to restroom when there was an accident, getting refreshments, blankets, cold cloths and ice chips when feeling nausea or vomiting.

44.2 I also kept the patients informed when it was taking a long time for the doctors to come and discharge them home.

45. Beverly told me that the patients who were waiting for the procedures to be done did not need help going to the restroom.

FACT:

45.1 patient could not let side rails down themselves.

45.2 Patients IV in right or left hand, why take a chance and patient accidentally pull out IV or get it hung on the covers or rails. I was not going to take a chance of patient falling so I helped all patients.

45.3 If I go let down the side rails (safer with nurse present), get an IV pole (hang fluid on hook and help walk with support) and assist the patient to the restroom then I am responsible.

45.4 If a patient had fallen there was no doubt Beverly would have blamed me. So, yes, I took precautions to assist the patients.

46. June 22, 2010, Father's Day week I was on vacation visiting my father and family in Mississippi.

Beverly had Mary to call me two days in a row to discuss my hours. I did not have enough

vacation time and I would not get paid for the other hours. Mary apologized twice. Dones: I already knew this and it is okay.

47. June 23, 2010, the second call I allowed it to go to voicemail. Mary left a message stating that Beverly wanted to know if I had found a job yet. I never responded.

47.1 Beverly Hutchins, a director and leader could not respect me nor allowed me a few days of peace to visit my family and elderly father. I lost all respect for Beverly, it was so bad that when I saw her coming I would go in another direction because I did not want to speak or look at her.

- 48 JULY 15, 2010, Beverly Hutchings came to get me, we went into her office and that is when she told me "I am terminating your position, we don't need you any more, your position has been terminated. You can make Friday, July 16, 2010, your last day. You can put on your resignation that you quit for personal reasons." Dones: "Thank you. Hugged her and walked out of her office never to look back again. Even though I no longer had a job, I felt so much weight being lifted off of my body. Every day I had to put on the whole Armour of God because I was in battle daily. I fought the good fight. I stood the test of time until my job was terminated.

48. Some co-workers made remarks like "I don't know how you put up with it for all this time, you are a strong woman." They saw I was not going to quit my job despite of what they were putting me through, they saw I was coming to work daily on time, only one call in, so what else could Beverly do, but terminate my position. Beverly Hutchings had been giving me a choice to be fired or turn in my resignation, but today she decided to terminate my position as the endoscope discharge desk nurse.

49. July 15, 2010, I planned on coming to work and leaving at 12:20 pm since my job position was terminated. I asked Mary team leader endoscope could I leave at 12:30 pm. Mary: we are busy tomorrow, but I will asked Ulonda and see what she says. Mary: Ulonda says the best she can do is 14:30 pm. Dones: okay and I walked away.

50. As I was leaving the work station, building and garage I was thinking. Dones: why go back tomorrow for them to accuse me of more false statements. I decided today would be my last day. As soon as I got home I emailed my resignation to Beverly Hutchings.

51. July 27, 2010, I received a letter in the mail from Janet Ayers. She wanted to speak to me about my resignation comments. I called Janet Akers July 30, 2010, at 08:34 am and left her a message on her recorder. August 6 at 12:19 pm I called Janet Akers again and left my cell phone number on her recorder to call me back.

52. August 9, 2010, I emailed Janet Akers and she called me on my cell phone. Janet told me she had been calling me but my voice mail was full.

FACT

52.1 I asked Janet which did she call me from and she said the home number. I asked Janet why was she calling me from my home phone because I gave her my cell phone number. Janet raised her voice at me and stated, "I see why they let you go, you have an attitude." I ask Janet if I could see my file. Janet, "no, because you no longer work at Kelsey-Seybold. I asked how will I know if false reports are in my files. Janet "that should not matter to you because you got fired. Dones: I told Akers, "you got a smart mouth" and hung up the phone .

52.2 Janet did not do an exit interview .

52.3 When I first started working in the recovery room everyone had a locked chair and a cubby hole with their name on it to put their belonging and clipboard in. Two months later I started noticing my clipboard was missing and my papers were out of order when I arrived to work in the mornings. Later, I found out Ulonda told Lloyd to do this. Ulonda told me I was not a team player when I put my clipboard back in the slot. I told Jan and she instructed me to remove the clipboard and put it in my locker draw and I did.

52.4 Sue taught me how to print out the ASC surgery schedule. Sue did not trust Ulonda to be fair with the assignments and by printing this schedule Sue was monitoring each nurse assignments.

STATEMENT OF RELIEF

I pray that the defendants be cited to appear and answer in this action and that upon the evidence, finding of the jury and applicable law, the court will enter a judgment.

I am declaring that the defendants maintains their policy and practice addressing inappropriate behavior, harassment and retaliation.

I direct the defendants to take specific corrective action in the future toward supervisors, managers, directors who do not follow the harassment policy.

I the plaintiff is seeking back pay, compensatory damages, punitive damages, emotional distress, humiliation, pain and suffering.

Mary Carolyn Dones
15902 Pryor Dr.
Missouri City, Texas 77489
832-651-5054

I, Mary Carolyn Dones is requesting an attorney to represent me in my case due to me being un employed and I have insufficient funds. I went to the NAACP for assistance, they ran out of funds. Went to see another attorney, but I did not have 4000.00 as a down payment.

Thank you,

A handwritten signature in black ink that reads "Mary Carolyn Dones". The signature is written in a cursive, flowing style with a large, prominent "D" at the end.

Mary Carolyn Dones